

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7522

BILL NUMBER: HB 1839

NOTE PREPARED: Jan 10, 2003

BILL AMENDED:

SUBJECT: Outdoor lighting pollution control.

FIRST AUTHOR: Rep. Whetstone

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill regulates outdoor lighting. The bill establishes a Division of Outdoor Light Pollution Control. It establishes penalties of not more than \$1,000 for each violation of the outdoor lighting pollution control law.

Effective Date: July 1, 2003.

Explanation of State Expenditures: The proposal would require the State Building Commissioner to organize the Office of the State Building Commissioner with a Division of Outdoor Light Pollution. Currently, the Office has a Division of Code Enforcement, a Division of Plan Review, a Division of Elevator Safety, and a Division of Boiler and Pressure Vessel Safety. The Office maintains a staff of approximately 100.

The Office of the State Building Commissioner receives its funding from the Department of Fire and Building Services. The Department operates on dedicated revenue of approximately \$9 M taken from the Fire and Building Services Fund. The revenue generated for this fund is derived primarily from fees charged for building design releases and building permits.

State expenditures could increase if the Commissioner hired new staff to implement the provisions of this bill. If, on the other hand, the Commissioner elected to use existing staff to implement the proposal, existing staff would have to be reassigned from current responsibilities. The fiscal impact will depend on the implementation of the proposal.

Explanation of State Revenues: The bill provides that a violation of outdoor light pollution constitutes a

Class B infraction. If additional court cases occur, revenue to the State General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the State General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the State General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Fire and Building Services

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Staffing information provided by RoseAnn Brown of the Office of the Building Commissioner.

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